

CHARLES DEMPSEY, individually and as the father
and natural guardian of his minor daughter, L.D.,

Claimant,

v.

CITY OF ROCHESTER,

Respondent.

50-h Hearing in the Above-Titled Matter:

Sworn Testimony of:

Charles Dempsey

Location: City of Rochester Department of Law
City Hall
30 Church Street, Room 008 A
Rochester, New York 14614

Date: April 16, 2019

Time: 10:00 a.m.

Reported By: JAYME C. WINTISH
Alliance Court Reporting, Inc.
120 East Avenue, Suite 200
Rochester, New York 14604

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A P P E A R A N C E S

Appearing on Behalf of Claimant:

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Appearing on Behalf of Respondent:

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1 CHARLES DEMPSEY - BY MR. CAMPOLIETO

2 TUESDAY, APRIL 16, 2019;

3 (Proceedings in the above-titled matter
4 commencing at 10:18 a.m.)

5 * * *

6 (The following exhibit was marked for
7 identification: EXH Letter A.)

8 CHARLES DEMPSEY,

9 called herein as a witness, first being sworn,
10 testified as follows:

11 EXAMINATION BY MR. CAMPOLIETO:

12 Q. Mr. Dempsey, good morning. My name is
13 John Campolieto. I'm an attorney for the City of
14 Rochester, and I'm going to be asking you some
15 questions today for -- regarding the incident that
16 occurred at your property on October 19th, 2018.

17 And before we get started I just want to
18 let you know if you need to go to the bathroom, if you
19 need a drink, go. Just let me know. Also, if you
20 don't understand what I'm saying, if I'm speaking too
21 fast, just stop me in the middle of anything I'm
22 asking and say, can you repeat that? I didn't get it.
23 And I'll try to rephrase my question or repeat it for
24 you so it's more clear.

25 I'm going to ask some background questions

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1 CHARLES DEMPSEY - BY MR. CAMPOLIETO
2 regarding your pedigree, your name and things like
3 that. And then I'm going to get into the incident at
4 your property on October 19th. It should be pretty
5 quick and won't be too in depth. And so we can start.

6 If you could just state your name -- your
7 full name for the record?

8 A. Charles Dempsey.

9 Q. And do you go by any other names, or have
10 you gone by any other names?

11 A. Short, Chuck.

12 Q. I'm sorry?

13 A. Chuck.

14 Q. Chuck. Okay. And Mr. Dempsey, what is
15 your address?

16 A. It's 53 Kosciusko Street which is in
17 Rochester, New York 14621.

18 Q. And if you just speak up and speak in
19 verbal answers instead of hand gestures so the court
20 reporter can get everything. And then we'll be good
21 to go.

22 And what is your age?

23 A. 33.

24 Q. And your marital status?

25 A. Single.

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1 CHARLES DEMPSEY - BY MR. CAMPOLIETO

2 Q. And have you been married in the past?

3 A. No.

4 Q. And do you have children?

5 A. Yes.

6 Q. And how many children?

7 A. One.

8 Q. And do you have a relationship with the
9 child's mother?

10 A. I mean, not directly, no.

11 Q. Okay. So it's a former girlfriend?

12 A. Yes.

13 Q. Okay. And do you split custody with that
14 woman?

15 A. We have a custody agreement.

16 Q. You have a custody agreement. And how
17 often is she -- does she spend time with the mother?

18 A. Three times a month.

19 Q. Three times a month. And are you the
20 full-time custodian of the child? Do you have full
21 custody?

22 A. Yes.

23 Q. And when your daughter spends time with
24 the mother, is it on the weekends or is it a full week
25 or...

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2 A. It's from Saturday to Sunday.

3 Q. Saturday to Sunday. So weekends?

4 A. Yes.

5 Q. And where does that woman live?

6 A. Presently she lives in, I guess, that
7 would be Henrietta -- Rush.

8 Q. Okay. And you live at, as you said, 53
9 Kosciusko Street?

10 A. Yes.

11 Q. Where did you -- what was your previous
12 address?

13 A. 117 Cedar Terrace in Hilton.

14 Q. And when did you live at Cedar Terrace in
15 Hilton?

16 A. 2005.

17 Q. And when did you move to 53 Kosciusko
18 Street?

19 A. 2007.

20 Q. Okay. And you've lived there since?

21 A. Yes.

22 Q. Do you own the house?

23 A. Yes.

24 Q. And do you own it in your name only?

25 A. Yes.

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1 CHARLES DEMPSEY - BY MR. CAMPOLIETO

2 Q. And has it always been in your name only,
3 since you've owned it?

4 A. Since I paid off the bank, yes.

5 Q. And when was that?

6 A. 2 -- I don't recall the exact date that I
7 paid off the bank.

8 Q. It was after 2007 though?

9 A. Yeah. Yeah.

10 Q. So you did have a mortgage on the
11 property?

12 A. Yes.

13 Q. Is the backyard fenced in on this
14 property?

15 A. Yes.

16 Q. Okay. Is there any gaps in the fence that
17 you know of?

18 A. No.

19 Q. How long has it been fenced in without
20 gaps?

21 A. As long as I've been there.

22 Q. Okay. And on October 19th, 2018, did you
23 have a dog?

24 A. Yes.

25 Q. And what was your dog's name?

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2 A. Tesla.

3 Q. Do you currently have a dog?

4 A. Yes.

5 Q. Okay. And did you have a dog prior to
6 Tesla?

7 A. No.

8 Q. Was Tesla your first dog that you -- the
9 first dog that you owned?

10 A. As an adult, yes.

11 Q. As a child you had a dog with your
12 parents?

13 A. Yes.

14 Q. And where do your parents live?

15 A. Cedar Terrace.

16 Q. So in 2005 when you lived at 117 Cedar
17 Terrace, that was your parents' house?

18 A. Yes.

19 Q. Okay. And I don't know if I asked this,
20 but you had mentioned that you have a daughter. How
21 old is your daughter?

22 A. She's 11.

23 Q. Okay. Where does she go to school?

24 A. ROC Achieve.

25 Q. And what is ROC A...

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